

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROTHSCHILD PATENT IMAGING LLC,	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
PIXIMITY, LLC,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	
	§	

COMPLAINT

Plaintiff Rothschild Patent Imaging LLC (“Plaintiff” or “RPI”) files this original Complaint against Piximity, LLC (“Defendant” or “Piximity”) for infringement of United States Patent No. 8,204,437 (“the ‘437 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company having a virtual office with an address at 1400 Preston Rd., Suite 400, Plano, TX 75093.

4. On information and belief, Defendant is a Delaware limited liability company with its principal place of business in New York. On information and belief, Defendant may be served through its registered agent, United States Corporation Agents, Inc., 300 Delaware Ave., Suite 210-A, Wilmington, DE 19801.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this district. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO 8,204,437)**

8. Paragraphs 1-7 are incorporated herein.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, et seq.

10. Plaintiff is the owner by assignment of the '437 Patent with sole rights to enforce the '437 patent and sue infringers.

11. A copy of the '437 Patent, titled "Wireless Image Distribution System and Method," is attached hereto as Exhibit A.

12. The '437 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief, Defendant has infringed and continues to infringe one or more claims (at least by having its employees, or someone under Defendant's control, test the accused product), including at least Claim 1 of the '437 Patent by making, using, importing,

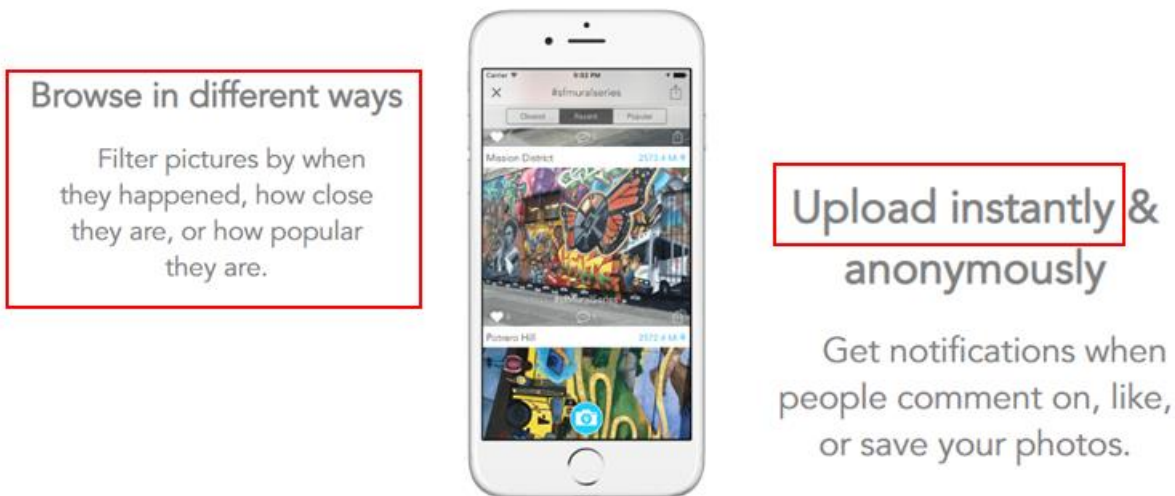
selling, and/or offering for image capturing systems and methods drone cameras covered by at least Claim 1 of the '437 Patent.

14. On information and belief, Defendant sells, offers to sell, and/or uses image capturing systems and methods including, without limitation, the Piximity system, the Piximity mobile app, and any similar devices ("Product"), which infringe at least Claim 1 of the '437 Patent.

15. The Product is an image capturing system that can transmit and distribute images to and/from a mobile device over a network. For example, the Product can distribute images over the Internet. Certain aspects of this element are illustrated in the screen shots below, and/or the screen shots provided in connection with other elements discussed herein.

With Piximity, you can view picture feeds created at events such as concerts, festivals, parties, and more. Follow events through the eyes of people attending.

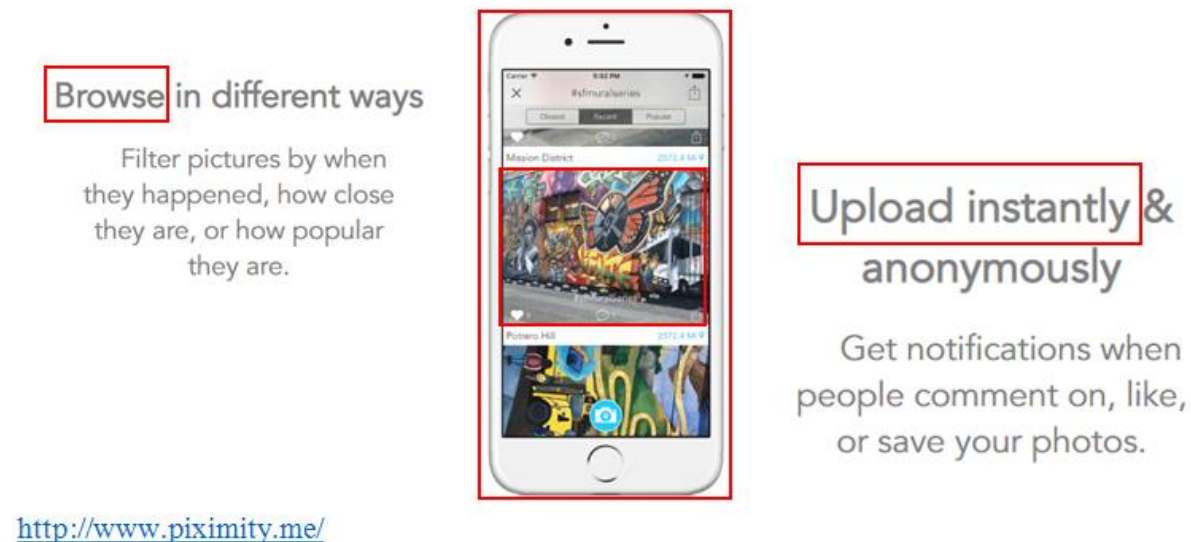
<https://play.google.com/store/apps/details?id=com.piximity.android&hl=en>



<http://www.piximity.me/>

16. The Product uses an image capturing device (e.g., a camera) and a receiving device (e.g., smartphone with installed mobile app, and which has a Wi-Fi/802.11b/g/n receiver antenna). Defendant's Piximity app supports uploading the captured image (by associated image capturing device) and receiving (i.e. browse) the uploaded images (by associated other users' device).

receiving devices). Certain aspects of this element are illustrated in the screen shots below, and/or the screen shots provided in connection with other elements discussed herein.

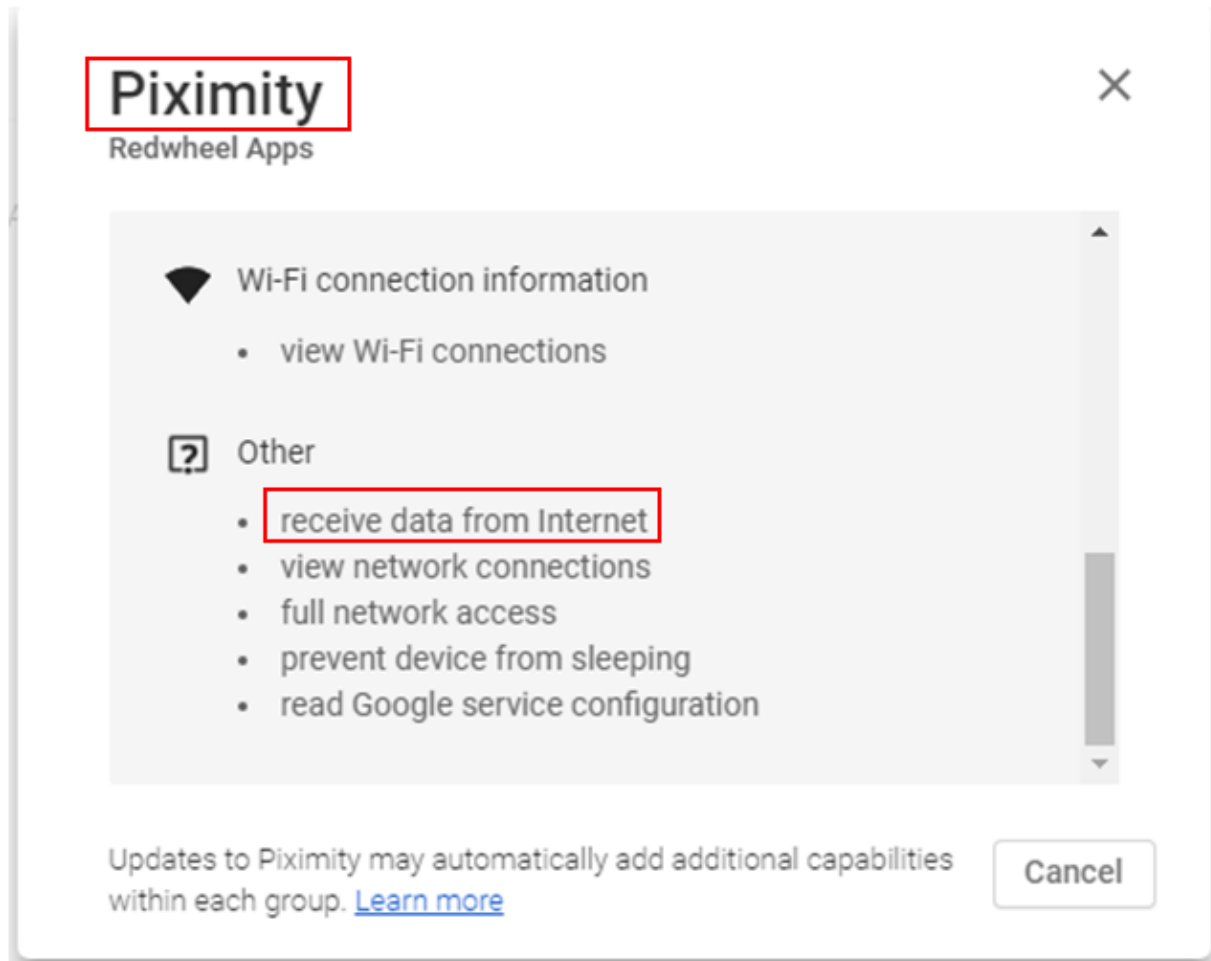


“Piximity is an app that lets users capture and browse pictures nearby them – anonymously. The social media aspect is completely taken. The anonymous factor plays a big roll in what’s uploaded – there’s a lot of off-the-cuff photography with little editing. Using location to help sort pictures allows users to discover pictures in their vicinity as well as have a live photo stream at a certain location. It came from two thoughts about apps I’ve had for a while, which are pictures and proximity. I thought the combination would allow you to discover and explore in more ways than the traditional ‘recent’ sorting.”

<https://tech.co/piximity-young-developer-location-based-photo-sharing-app-2014-11>

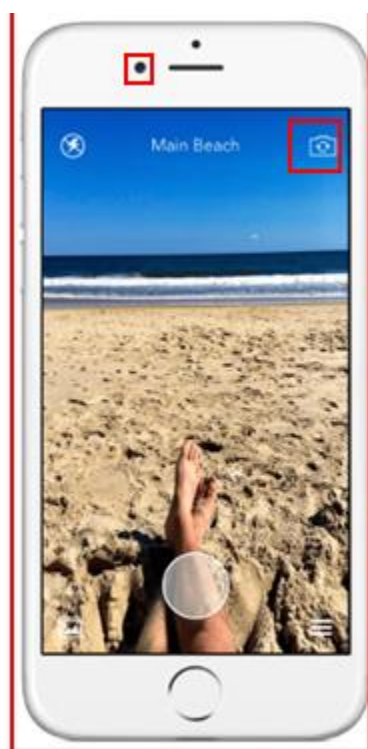
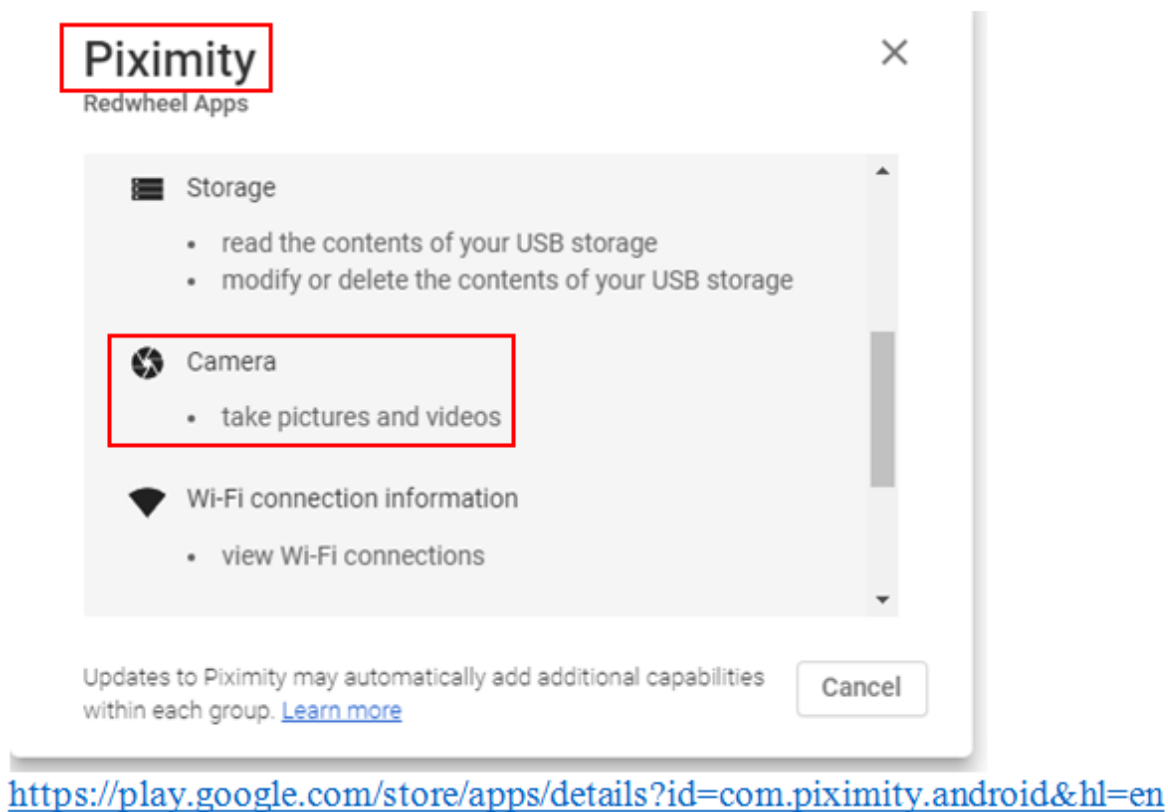
17. The capturing device and receiving device are cooperatively disposed in a communicative relation with one another via at least one wireless network. For example, the Product uses a capturing device (e.g., camera) and a receiving device (e.g., a smartphone with the mobile app) being cooperatively disposed in a communicative relation with one another via at least one wireless network (e.g., both the camera and a user’s smartphone are connected to the same wireless network allowing for image transfer through the wireless network). Certain

aspects of this element are illustrated in the screen shots below, and/or the screen shots provided in connection with other elements discussed herein.



<https://play.google.com/store/apps/details?id=com.piximity.android&hl=en>

18. The capturing device has a capture assembly that is structured to selectively capture the at least one digital photographic image. Each capturing device (mobile phone with Piximity app installed) must have a camera assembly (e.g. front or rear camera module) to selectively capture a photographic image. Any associated cameras used by the Product also have a capture assembly. Certain aspects of this element are illustrated in the screen shots below, and/or the screen shots provided in connection with other elements discussed herein.



Upload instantly & anonymously

Get notifications when people comment on, like, or save your photos.

Image capturing device

<http://piximity.me/>

19. The capturing device also has a first network component (e.g., 3G/4G or wi-fi transmitter). The first network component is structured to communicate (e.g. upload, share) the at least one digital photographic image to the receiving device via said at least one wireless network (e.g., via internet). Certain aspects of this element are illustrated in the screen shots below, and/or the screen shots provided in connection with other elements discussed herein.



Upload instantly &
anonymously

Get notifications when
people comment on, like,
or save your photos.

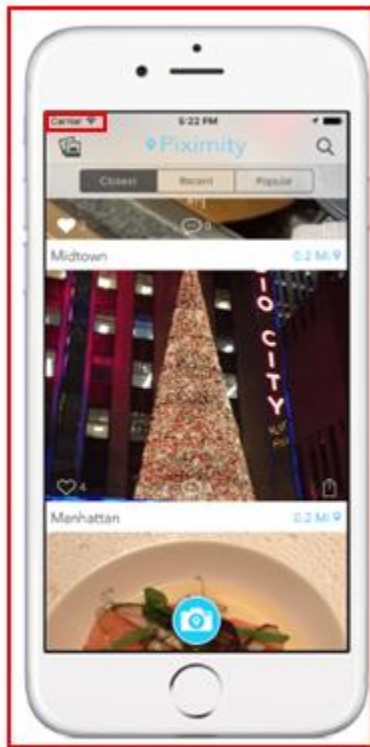
<http://piximity.me/>

Using proximity as a browsing tool, the app allows users to like and share photos, passing their affirmation on to the photographer for encouragement. This infuses the whole experience with both serendipity and social authenticity; you like the photos

<https://tech.co/piximity-young-developer-location-based-photo-sharing-app-2014-11>

20. The receiving device has a second network component (e.g., Wi-Fi module/3G/4G module within the smartphone). The second network component is structured to receive the at least one digital photographic image from the capturing device via the wireless network (e.g., browsing over a 3G/4G/Wi-Fi). Certain aspects of this element are illustrated in

the screen shots below, and/or the screen shots provided in connection with other elements discussed herein.



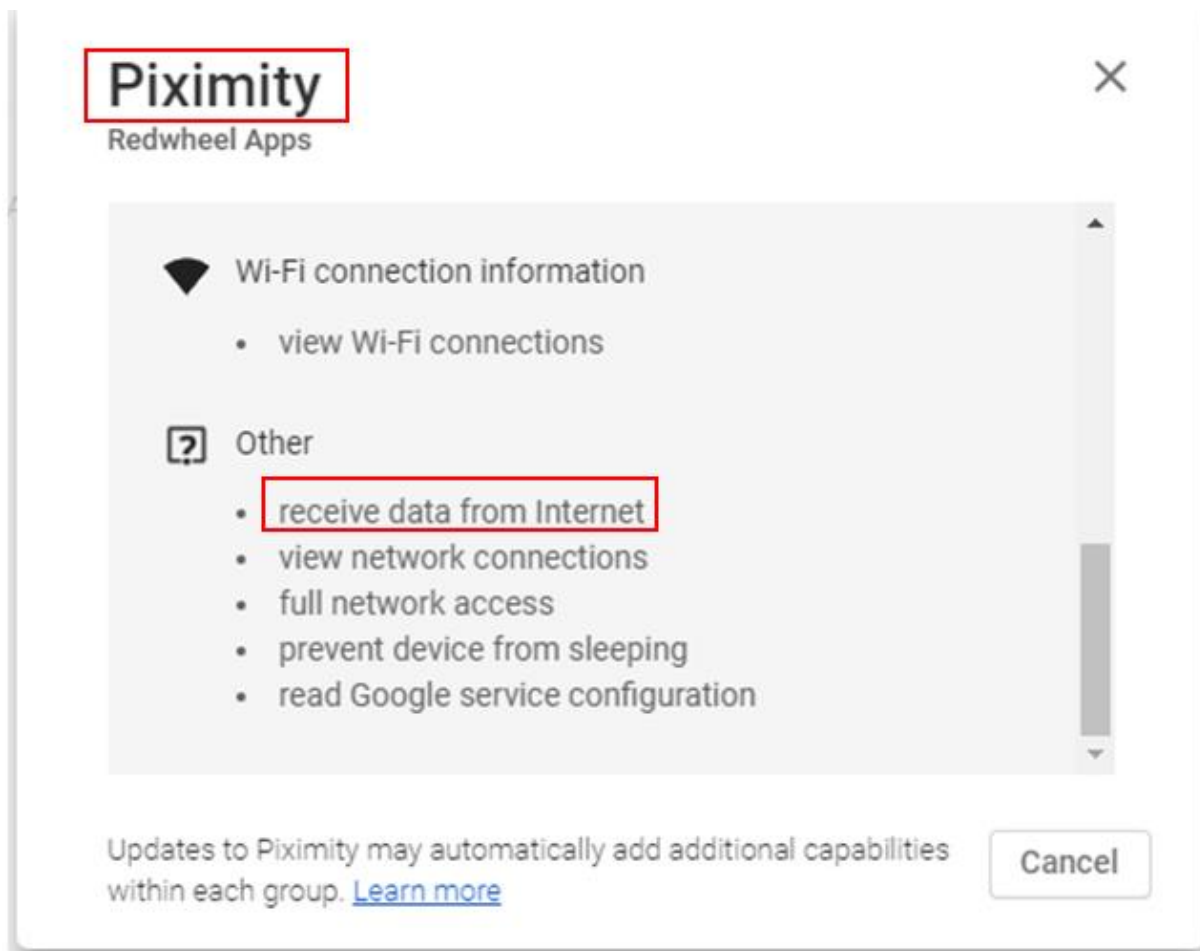
Discover what's
happening nearby

Browse photos in your
area or anywhere around
the world.

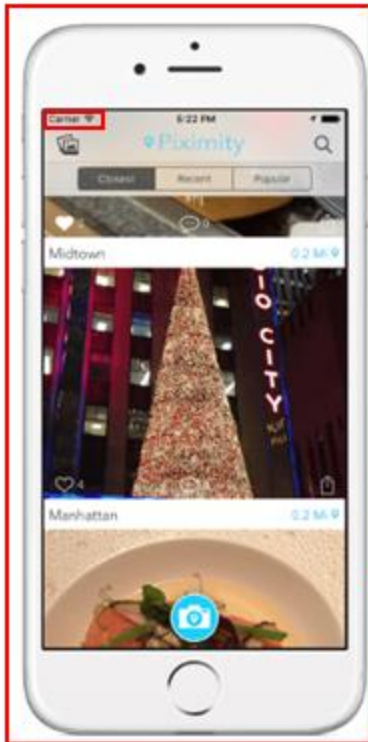


<http://piximity.me/>

21. The capturing device and the receiving device are disposed in a selectively paired relationship with one another. For example, the capturing device (which uploads the images in Piximity app) and the mobile device (which browse those images on Piximity app) are connected via the wireless network to enable the receiving mobile device to browse images transferred by capturing mobile device). Certain aspects of this element are illustrated in the screen shots below, and/or the screen shots provided in connection with other elements discussed herein.



<https://play.google.com/store/apps/details?id=com.piximity.android&hl=en>



Discover what's
happening nearby

Browse photos in your
area or anywhere around
the world.



Receiving device

<http://piximity.me/>



Upload instantly &
anonymously

Get notifications when
people comment on, like,
or save your photos.

Image capturing device

<http://piximity.me/>

22. The selectively paired relationship is at least partially based on the capturing device and the receiving device being cooperatively associated with at least one common predefined pairing criterion. For example, both devices are connected through a Wi-Fi or other wireless network and are in a common proximity. Certain aspects of this element are illustrated in the screen shots below, and/or the screen shots provided in connection with other elements discussed herein.

Using proximity as a browsing tool, the app allows users to like and share photos, passing their affirmation on to the photographer for encouragement. This infuses the whole experience with both serendipity and social authenticity; you like the photos you like because they speak to you – not because you’re sucking up to who posted them. We caught up with Shaffer to find out a little more about how this next-gen developer sees things differently.

<https://tech.co/piximity-young-developer-location-based-photo-sharing-app-2014-11>

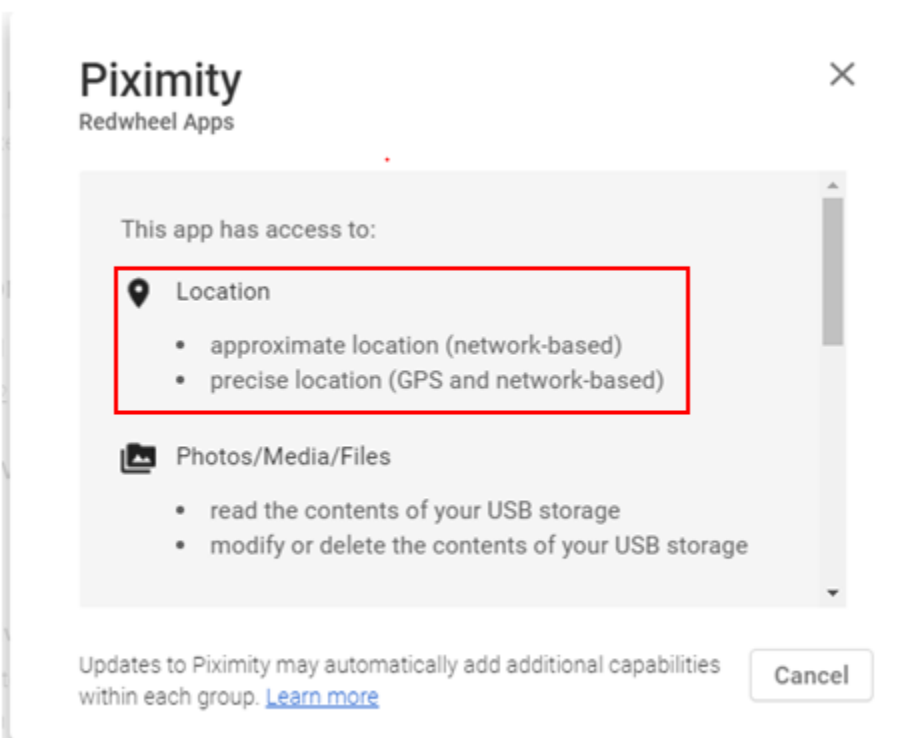
23. The pre-defined pairing criterion comprises a geographic location of said capturing device (e.g. where the capturing device were when it captured the photographic image sent to the receiving device). For example, as illustrated below, a receiving device can browse in different ways, or it can access/view pictures captured by the devices nearby it. When a user taps on the “closest” option on the Piximity app, the application will filter the images captured by the devices nearby him. The closer the capturing devices are to the user, the higher they will rise in the filtered results. The application uses the geographic location of the image capturing device to calculate proximity to the receiving device. Certain aspects of this element are illustrated in the screen shots below, and/or the screen shots provided in connection with other elements discussed herein.

Browse in different ways

Filter pictures by when they happened, how close they are, or how popular they are.



<http://www.piximity.me/>



<https://play.google.com/store/apps/details?id=com.piximity.android&hl=en>

24. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

25. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

26. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order Enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 8,204,437 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: February 1, 2019

Respectfully submitted,

Coleman Watson

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